

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 892 Session of 2021

INTRODUCED BY LAUGHLIN, TARTAGLIONE, MENSCH AND STEFANO, OCTOBER 6, 2021

AS AMENDED ON SECOND CONSIDERATION, JUNE 14, 2022

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, in special vehicles and pedestrians, providing for
3 electric low-speed scooter pilot program.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Title 75 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 3515. Electric low-speed scooter pilot program.

9 ~~(a) Requirement. An electric low speed scooter may only be <--
10 operated on a pedalcycle lane on a roadway, a roadway or a
11 pedalcycle path within the boundaries of a city of the second
12 class A and third class where an ordinance has been enacted
13 authorizing the operation of electric low speed scooters under a
14 micro mobility pilot project as provided under subsection (b).
15 Other places to operate an electric low speed scooter within the
16 boundaries of the city of the second class A and third class may
17 be authorized by an ordinance, in consultation with the property
18 owner. A city of the second class A and third class shall notify~~

1 ~~the department of any ordinance under this subsection.~~

2 ~~(b) Micro mobility pilot project. A city of the second~~
3 ~~class A and third class shall enact an ordinance which~~
4 ~~authorizes the use of electric low speed scooters under a micro~~
5 ~~mobility pilot project to commence in the city of the second~~
6 ~~class A and third class and which provides a limited fleet of~~
7 ~~electric low speed scooters, as determined by the city of the~~
8 ~~second class A and third class within the boundaries of the city~~
9 ~~of the second class A and third class.~~

10 (A) AUTHORIZATION.--A CITY OF THE SECOND CLASS A OR CITY OF <--
11 THE THIRD CLASS MAY AUTHORIZE AN ELECTRIC LOW-SPEED SCOOTER
12 PILOT PROGRAM WITHIN THE BOUNDARIES OF THE CITY OF THE SECOND
13 CLASS A OR CITY OF THE THIRD CLASS. IN ORDER TO AUTHORIZE THE
14 PILOT PROGRAM UNDER THIS SUBSECTION, A CITY OF THE SECOND CLASS
15 A OR CITY OF THE THIRD CLASS SHALL ADOPT AN ORDINANCE TO
16 IMPLEMENT THE PILOT PROGRAM. UPON ADOPTING AN ORDINANCE TO
17 IMPLEMENT THE PILOT PROGRAM, THE CITY OF THE SECOND CLASS A OR
18 CITY OF THE THIRD CLASS SHALL NOTIFY THE DEPARTMENT.

19 ~~(c)~~ (B) Operation.--Unless otherwise specified, every <--
20 individual operating an electric low-speed scooter authorized
21 under subsection (a) shall be granted all of the rights and
22 shall be subject to all of the duties applicable to the operator
23 of a pedalcycle under this subchapter. AN ELECTRIC LOW-SPEED <--
24 SCOOTER MAY ONLY BE OPERATED IN A CITY OF THE SECOND CLASS A OR
25 CITY OF THE THIRD CLASS WHERE A LIMITED FLEET OF ELECTRIC LOW-
26 SPEED SCOOTERS ARE PROVIDED BY A COMMERCIAL ELECTRIC SCOOTER
27 ENTERPRISE AS DETERMINED BY THE CITY OF THE SECOND CLASS A OR
28 CITY OF THE THIRD CLASS. AN ELECTRIC LOW-SPEED SCOOTER MAY ONLY
29 BE OPERATED ON A PEDALCYCLE LANE ON A ROADWAY OR A PEDALCYCLE
30 PATH WITHIN THE BOUNDARIES OF A CITY OF THE SECOND CLASS A OR

1 CITY OF THE THIRD CLASS. A CITY OF THE SECOND CLASS A OR CITY OF
2 THE THIRD CLASS, IN CONSULTATION WITH THE PROPERTY OWNER, MAY
3 ADOPT AN ORDINANCE TO AUTHORIZE THE OPERATION OF AN ELECTRIC
4 LOW-SPEED SCOOTER IN ANY OTHER LOCATION NOT SPECIFIED IN THIS
5 SUBSECTION WITHIN THE BOUNDARIES OF THE CITY OF THE SECOND CLASS
6 A OR CITY OF THE THIRD CLASS.

7 ~~(d)~~ (C) Age requirement.--The following shall apply: <--

8 (1) No individual under ~~16~~ 18 years of age may operate <--
9 an electric low-speed scooter on a roadway unless permitted
10 by local ordinance.

11 (2) No commercial electric scooter enterprise may rent
12 an electric low-speed scooter to an individual under 16 years
13 of age.

14 ~~(e)~~ (D) Speed requirement.--No individual may operate an <--
15 electric low-speed scooter on a pedalcycle lane on a highway, a
16 roadway or a pedalcycle path at a speed greater than 15 miles
17 per hour.

18 ~~(f)~~ (E) Lamps and reflectors.--Every electric low-speed <--
19 scooter when operated between sunset and sunrise shall be
20 equipped on the front with a lamp which emits a beam of white
21 light intended to illuminate the electric low-speed scooter's
22 path and which is visible from a distance of at least 300 feet
23 in front, a red reflector facing to the rear which is visible at
24 least 500 feet to the rear and a reflector on each side. A lamp
25 worn by the operator of the electric low-speed scooter shall
26 comply with the requirements of this subsection if the lamp can
27 be seen at the distances specified under this subsection.

28 ~~(g)~~ (F) Operation prohibited on freeways.--No individual may <--
29 operate an electric low-speed scooter on a freeway or on
30 highways and streets with a posted speed limit of 35 miles per

1 hour or more.

2 ~~(h)~~ (G) Powers of department and local authorities.--This <--
3 section shall not be deemed to prevent the department on State-
4 designated highways and local authorities on streets or highways
5 within the local authority's physical boundaries from the
6 reasonable exercise of the department's or the local authority's
7 police powers. UNDER SECTION 6109 (RELATING TO SPECIFIC POWERS <--
8 OF DEPARTMENT AND LOCAL AUTHORITIES).

9 (H) SAFETY ISSUES.--WHEN A PILOT PROGRAM INCLUDES THE USE OF
10 A HIGHWAY OWNED OR UNDER THE JURISDICTION OF THE DEPARTMENT, THE
11 DEPARTMENT MAY RESTRICT ACCESS, PERMANENTLY OR TEMPORARILY, TO
12 THE HIGHWAY FOR THE PILOT PROGRAM WHEN A SAFETY ISSUE HAS BEEN
13 IDENTIFIED BY THE DEPARTMENT THAT CANNOT BE REASONABLY
14 CORRECTED. THE DEPARTMENT SHALL ESTABLISH A PROCESS TO EVALUATE
15 A SAFETY ISSUE UNDER THIS SUBSECTION, INCLUDING THE EVALUATION
16 OF DAMAGE TO PROPERTY ON THE HIGHWAY OWNED OR UNDER THE
17 JURISDICTION OF THE DEPARTMENT. THE DEPARTMENT SHALL ALSO
18 ESTABLISH A MECHANISM TO COMMUNICATE A SAFETY ISSUE UNDER THIS
19 SUBSECTION TO THE LOCAL AUTHORITY AND COMMERCIAL ELECTRIC
20 SCOOTER ENTERPRISE PRIOR TO RESTRICTING ACCESS, PERMANENTLY OR
21 TEMPORARILY, TO THE HIGHWAY OWNED OR UNDER THE JURISDICTION OF
22 THE DEPARTMENT FOR THE PILOT PROGRAM.

23 (i) Ordinances, policies and regulations.--Notwithstanding
24 any other provision of law, a city of the second class A and OR <--
25 CITY OF THE third class shall adopt an ordinance, regulation or
26 policy for the safety, operation and management of electric low-
27 speed scooters. WHICH MAY INCLUDE, BUT NOT BE LIMITED TO, <--
28 APPROVED AND RESTRICTED DEPLOYMENT LOCATIONS, APPROVED AND
29 RESTRICTED PARKING LOCATIONS, DATA SHARING AND REPORTING AND
30 EDUCATION AND AWARENESS. A city of the second class A and OR <--

1 CITY OF THE third class shall notify the department of any
2 ordinance, policy or regulation under this subsection.

3 (j) Presumption.--For the purposes of this section, it is
4 presumed to be a reasonable exercise of police power to regulate
5 the use of electric low-speed scooters consistent with the
6 regulation of pedalcycles.

7 (k) Application.--Notwithstanding Subchapter A of Chapter 11
8 (relating to certificate of title) or Subchapter A of Chapter 13
9 (relating to general provisions), electric low-speed scooters
10 authorized under this section shall not be required to comply
11 with certificate of title or vehicle registration requirements
12 under this title.

13 (l) Construction.--Notwithstanding any other provision of
14 law to the contrary, an electric low-speed scooter under this
15 article shall not be construed as a "motor vehicle" as defined
16 in section 102 (relating to definitions).

17 (m) Report.--A WITHIN SIX MONTHS AFTER AUTHORIZING A PILOT <--
18 PROGRAM, A city of the second class A and OR CITY OF THE third <--
19 class, in coordination with the department, shall prepare AN <--
20 INTERIM REPORT EVALUATING THE DEPLOYMENT OF ELECTRIC LOW-SPEED
21 SCOOTERS UNDER THE PILOT PROGRAM. THE CITY OF THE SECOND CLASS A
22 OR CITY OF THE THIRD CLASS, IN COORDINATION WITH THE DEPARTMENT,
23 SHALL ALSO PREPARE a report on the micro-mobility pilot program <--
24 60 days prior to the expiration of the micro-mobility pilot <--
25 program. The ~~report~~ REPORTS shall: <--

26 (1) Include the number of rides, the number of
27 accidents, frequency of use, any ordinance, regulation or
28 policy adopted under subsection (i) and safety, mobility and
29 economic impacts.

30 (2) Be submitted to the chairperson and minority

1 chairperson of the Transportation Committee of the Senate and
2 the chairperson and minority chairperson of the
3 Transportation Committee of the House of Representatives.

4 (n) Expiration.--This section shall expire two years after
5 the effective date of this section.

6 (o) Financial responsibility.--A city of the second class A
7 and OR CITY OF THE third class shall require financial <--
8 responsibility for a commercial electric scooter enterprise as
9 follows:

10 (1) A commercial electric scooter enterprise shall
11 maintain the following insurance that is in effect for the
12 duration of the micro-mobility pilot project:

13 (i) commercial general liability insurance coverage
14 with a limit of at least \$2,000,000 each occurrence and
15 \$2,000,000 aggregate;

16 (ii) automobile insurance coverage with a limit of
17 at least \$1,000,000 each occurrence and \$1,000,000
18 aggregate; and

19 (iii) when the scooter-share operator employs an
20 individual, workers' compensation coverage of no less
21 than required by law.

22 (2) A commercial electric scooter enterprise shall
23 provide proof of insurance coverage to the city of the second
24 class A and OR CITY OF THE third class to satisfy the <--
25 requirements of this subsection.

26 (3) In addition to any fines that may be imposed, the
27 city of the second class A and OR CITY OF THE third class may <--
28 impose a civil penalty on a commercial electric scooter
29 enterprise that does not provide the insurance required under
30 this subsection in an amount not to exceed \$1,000 per day the

1 commercial electric scooter enterprise is operated without
2 providing the required insurance. A civil penalty collected
3 under this paragraph by the city of the second class A and OR <--
4 CITY OF THE third class shall be used for the safety,
5 operation and management of electric low-speed scooters or
6 pedalcycles.

7 (p) Definitions.--As used in this section, the following
8 words and phrases shall have the meanings given to them in this
9 subsection unless the context clearly indicates otherwise:

10 "Commercial electric scooter enterprise." A person that
11 makes electric low-speed scooters available for rent to the
12 public for use as determined by a city of the second class A and <--
13 OR CITY OF THE third class. <--

14 "Electric low-speed scooter." As follows:

- 15 (1) A device weighing less than 100 pounds that:
16 (i) has handlebars and an electric motor;
17 (ii) has a floorboard which can be stood upon while
18 riding; and
19 (iii) is solely powered by the electric motor or
20 human power, or both.

21 (2) The term does not include a pedalcycle with electric
22 assist, an electric personal assistive mobility device, a
23 motorcycle, a motorized pedalcycle or a motor-driven cycle.

24 "PILOT PROGRAM." AN ELECTRIC LOW-SPEED SCOOTER PILOT PROGRAM <--
25 AUTHORIZED BY A CITY OF THE SECOND CLASS A OR CITY OF THE THIRD
26 CLASS.

27 Section 2. This act shall take effect immediately.